

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

LONNIE WHITAKER,

Defendant.

ORDER

07-cr-123-bbc

The Bureau of Prisons has expressed confusion about this court's intent in sentencing defendant Lonnie Whitaker. In reviewing the order, I can see why the bureau would have trouble understanding how the sentence was intended to run.

Defendant was sentenced on November 4, 2014 to a term of 18 months for violating the terms of his supervised release. He had previously been sentenced on October 9, 2014 in case 14-cr-17 to a term of 12 months for possession of heroin with the intent to distribute it (count 1 of the indictment) and to a term of 60 months for using a firearm in furtherance of a drug trafficking felony (count 3 of the indictment). In imposing the sentence for the supervised release violation, I ordered that the 18-month term run concurrently with the sentence imposed in count 1 and consecutively to the sentence imposed in count 3.

I see now that such a sentence is unworkable. The 18-month term could not be served concurrently with the 12-month sentence imposed in count 1; that sentence would

be completed before the 18-month sentence had run. It certainly was not my intent that the sentence be served piecemeal, with two portions served at different times. Accordingly, I am correcting the clerical error and revising the terms of the sentence to read as follows:

The period of supervised release imposed on defendant Lonnie Whitaker, on January 29, 2009 is REVOKED and defendant is committed to the custody of the Bureau of Prisons for a term of 18 months, with no supervised release to follow. The term of imprisonment is to run consecutively to the sentence imposed on count 1 in Western District of Wisconsin Case No. 14-cr-17-bbc-1 and concurrently with the sentence imposed in count 3 in that case.

In all other respects, the order remains as entered on November 5, 2014.

Entered this 9th day of January, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge